

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EVA SARKEES,)	
)	
Plaintiff,)	
)	CASE NO. 07 C 6370
v.)	
)	
KELLOGG BROWN & ROOT SERVICES,)	
INC.,)	
)	
Defendant.)	

**MEMORANDUM OF KELLOGG BROWN & ROOT SERVICES, INC. IN SUPPORT
OF ITS MOTION TO STRIKE ¶ 12(g) OF PLAINTIFF'S AMENDED COMPLAINT**

Defendant, KELLOGG BROWN & ROOT SERVICES, INC., ("KBR") pursuant to F.R.Civ.P. 12(b)(6), has moved to strike ¶ 12(g) of Plaintiff's Amended Complaint. In support of this Motion, KBR states as follows:

(1) Plaintiff's Amended Complaint, at ¶ 12(g) alleges that KBR:

"Was otherwise careless and/or negligent".

(2) Plaintiff's allegations in ¶ 12(g) of her Amended Complaint that KBR "Was otherwise careless and/or negligent is a conclusory allegation and cannot support a claim of negligence. See, Hanson v. Hyatt Corp., 554 N.E.2d 394, 396 (1st Dist. 1990); Waite v. City of Chicago, 510 N.E.2d 1176, 1179 (1st Dist. 1987) (conclusory allegations of any of the elements of negligence are wholly insufficient.)

WHEREFORE, KBR moves that ¶ 12(g) of Plaintiff's Amended Complaint be stricken.

KELLOGG BROWN & ROOT
SERVICES, INC.

Dated: June 25, 2008

By: s/ Fred E. Schulz
One of its attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2008, I electronically filed the foregoing Memorandum of Kellogg Brown & Root Services, Inc. in Support of Its Motion to Strike ¶ 12(g) of Plaintiff's Amended Complaint with the Clerk of the Court for the Northern District of Illinois using the CM/ECF system which will send notification of such filing to the following:

David L. Goldberg
RUBIN, MACHADO & ROSENBLUM, LTD.
120 W. Madison St., Suite 400
Chicago, IL 60602
(312) 327-1840

and hereby certify that there were no non-registered participants requiring service by mail via the United States Postal Service.

/s/ Fred E. Schulz

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

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